

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Yvonne Burnette,

Plaintiff, Case No. 23-cv-12265

v.

Caine & Weiner,

Judith E. Levy
United States District Judge
Mag. Judge Elizabeth A. Stafford
Defendant.

/

**ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED WITHOUT PREPAYING FEES [10] AND ORDER FOR
PLAINTIFF TO SHOW CAUSE**

On September 1, 2023, Plaintiff Yvonne Burnette filed a *pro se* complaint in which she alleges violations of the Fair Debt Collection Practices Act. (ECF No. 1.) That same day, Plaintiff filed an application to proceed *in forma pauperis*, which is a request to proceed without prepaying the fees and costs for this litigation. (ECF No. 2). Plaintiff filed an amended complaint (ECF No. 4) and an amended application to proceed *in forma pauperis* on September 5, 2023. (ECF No. 5.)

On September 8, 2023, the Court directed Plaintiff to submit a revised application to proceed *in forma pauperis* as portions of the

application were incomplete. (ECF No. 8.) Additionally, the Court struck Plaintiff's Amended Complaint as it is unsigned and, as a result, is not in compliance with Federal Rule of Civil Procedure 11(a)'s signature requirement. (ECF No. 7, PageID.23.) The Court ordered Plaintiff to refile both the Complaint and the application by September 29, 2023.

Plaintiff resubmitted an application to proceed *in forma pauperis* on September 12, 2023 and September 13, 2023.¹ (ECF Nos. 10, 11.) Federal courts "may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees . . . by a person who submits an affidavit that includes a statement . . . that the person is unable to pay such fees." 28 U.S.C. § 1915(a)(1). Plaintiff's application indicates that she receives \$689 every two weeks in take-home pay or wages, has \$1,849 in monthly expenses, and has no cash or money in a checking or savings account. (ECF No. 10, PageID.31–32.) Given Plaintiff's lack of financial resources, the Court finds that Plaintiff satisfies the requirements under 28 U.S.C. § 1915(a)(1), and her application to proceed without prepayment of fees is granted.

¹ The refiled applications appear to be duplicates.

As of this date, Plaintiff has not refiled the Amended Complaint. Federal Rule of Civil Procedure 41(b) provides that a court may order the involuntary dismissal of an action for failure to prosecute or to comply with the Federal Rules of Civil Procedure or a court order. *See Fed. R. Civ. P. 41(b)*. “This measure is available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts and opposing parties.” *Schafer v. City of Defiance Police Dep’t*, 529 F.3d 731, 736 (6th Cir. 2008) (quoting *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999)).

Accordingly, the Court orders Plaintiff to show cause, in writing, as to why the Court should not dismiss this action due to Plaintiff’s failure to comply with the Court’s order directing her to file a signed complaint. Plaintiff’s response to this show cause order is due by **October 20, 2023**. If Plaintiff fails to comply with this order, the case may be dismissed for failure to prosecute pursuant to Eastern District of Michigan Local Rule 41.2.

IT IS SO ORDERED.

Dated: October 3, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 3, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager